

Introduced by Senator Alquist

February 10, 2011

An act to add Section 1367.605 to the Health and Safety Code, and to add Section 10123.815 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 253, as introduced, Alquist. Health care coverage: acquired brain injuries.

(1) Existing law provides for licensing and regulation of health care service plans by the Department of Managed Health Care. A willful violation of these provisions is a crime. Existing law provides for licensing and regulation of health insurers by the Insurance Commissioner. Existing law requires health care service plan contracts and health insurance policies to provide coverage for specified matters.

This bill would provide that health care service plan contracts and health insurance policies may not deny coverage for medically necessary treatment of acquired brain injuries at any of various facilities that are properly licensed and accredited, as specified. The bill would also prohibit denial of coverage because the treating facility is not in or near the home of the enrollee or insured. Because the bill would change the definition of a crime with respect to health care service plans, it would thereby impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.605 is added to the Health and
2 Safety Code, to read:
3 1367.605. A health care service plan may not deny coverage
4 for medically necessary medical or rehabilitation treatment for an
5 acquired brain injury at a facility that is properly licensed and
6 accredited at which appropriate services may be provided,
7 including, but not limited to, a hospital; an acute rehabilitation
8 hospital; a long-term acute care hospital; a skilled nursing facility;
9 an assisted living or acute or postacute residential transitional
10 rehabilitation facility accredited by the Commission on
11 Accreditation of Rehabilitation Facilities as a specialty brain injury
12 rehabilitation program, such as an interdisciplinary outpatient
13 medical rehabilitation program, a brain injury program, or a
14 residential rehabilitation program; a medical office; or another
15 analogous facility at which appropriate services may be provided.
16 A plan may not deny coverage because the treating facility is not
17 in or near the enrollee's home.
18 SEC. 2. Section 10123.815 is added to the Insurance Code, to
19 read:
20 10123.815. A health insurer may not deny coverage for
21 medically necessary medical or rehabilitation treatment for an
22 acquired brain injury at a facility that is properly licensed and
23 accredited at which appropriate services may be provided,
24 including, but not limited to, a hospital; an acute rehabilitation
25 hospital; a long-term acute care hospital; a skilled nursing facility;
26 an assisted living or acute or postacute residential transitional
27 rehabilitation facility accredited by the Commission on
28 Accreditation of Rehabilitation Facilities as a specialty brain injury
29 rehabilitation program, such as an interdisciplinary outpatient
30 medical rehabilitation program, a brain injury program, or a
31 residential rehabilitation program; a medical office; or another
32 analogous facility at which appropriate services may be provided.
33 A health insurer may not deny coverage because the treating facility
34 is not in or near the insured's home.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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